IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1980 OF 2004.
IN
SUIT NO. 834 OF 2004.

M/s. Tacet Enterprises & Ors. ..Plaintiffs.

VERSUS.

Mrs. Geeta R. Patel & Ors. ..Defendants.

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M. C. Shah i/b Ajay Rao for the plaintiffs.

K. J. Hakani i/b S. H. Sharma for defendant no.4.

L. H. Patil for defendant No.1.

P. V. Rajan for defendant Nos. 5 to 15.

Coram: V.M.KANADE, J.
Date: 30th August, 2004.

P.C.

1. Heard the learned counsel appearing on behalf of the plaintiff and defendants. By this notice of motion, the plaintiff is seeking continuation of the order of status-quo granted by this court on 12th April 2004 in Notice of Motion No.898 of 2002 and for appointment of an Arbitrator as the Sole Arbitrator as per the Letter of Plaintiff's Advocate.

2. In the present case, by order dated 12th April 2004, this Court had referred the matter to the Arbitrator

as per the provisions of Section 89 of the Code of Civil Procedure. After the consent of all the parties was obtained the matter was referred to Mr. Justice V.R.Dattar (Retired) as the Sole Arbitrator. However, the learned Arbitrator (Shri. V.R.Dattar, Justice (Retired)) has expressed his inability vide its letter dated 9th June 2004 and has withdrawn from the said arbitration. The parties have now arrived at a consensus to appoint Mr. Justice H. Suresh (Retired) as the Sole Arbitrator. The matter is, therefore, referred, by consent, to Mr. Justice H. Suresh (Retired) for arbitration. The plaintiff is at liberty to seek further interim orders from the Arbitrator. With these directions, Notice of motion is disposed off.

(V.M.KANADE,J.)

/2004/